

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
KEITH D. WASHINGTON,)	
)	
Plaintiff,)	
)	C.A. No. 04-12141-DPW
v.)	
)	
MASSACHUSETTS COMMISSION)	
AGAINST DISCRIMINATION, <u>et al.</u> ,)	
)	
Defendants.)	
_____)	

**DEFENDANTS' MOTION TO DISMISS OR,
IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT**

NOW come the defendants in this action and move, pursuant to Rules 12(b)(6) and 56(b) of the Federal Rules of Civil Procedure, to dismiss this action or, in the alternative, for summary judgment in their favor. Defendants are the Massachusetts Commission Against Discrimination ("MCAD") and certain of its officials. Plaintiff Keith D. Washington has sued them on the basis of a December 17, 1997 Memorandum denying his MCAD complaint for lack of jurisdiction. As fully set forth in the accompanying Memorandum, Washington's lawsuit is barred by the doctrine of absolute immunity and, therefore, must be dismissed or summary judgment granted the defendants.

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DEFENDANTS MASSACHUSETTS COMMISSION
AGAINST DISCRIMINATION, MARY C.
GARIPPO, KATHERINE M. MARTIN, ESQ.,
DOUGLAS T. SCHWARTZ, and DORCA I.
GOMEZ,

By their Attorneys,

THOMAS F. REILLY
ATTORNEY GENERAL

/s/ Charles M. Wyzanski_____
Charles M. Wyzanski
BBO #536040
Assistant Attorney General
Trial Division
One Ashburton Place
Boston, Massachusetts 02108
Tel. No. 617-727-2200, ext. 3093